

AMENDED IN SENATE APRIL 21, 2010

AMENDED IN SENATE APRIL 5, 2010

SENATE BILL

No. 1272

Introduced by Senator Wolk
(Principal coauthor: Senator Alquist)

February 19, 2010

An act to add Section 40 to the Revenue and Taxation Code, relating to taxation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1272, as amended, Wolk. Income and corporation taxes: credits: information and operative limitations.

Existing law imposes various taxes and allows specified credits, deductions, exclusions, and exemptions in computing those taxes.

This bill would, for taxable years beginning on or after January 1, 2011, require any bill that would authorize a personal income or corporation tax credit to contain, among other provisions, (1) specified goals, purposes, and objectives that the tax credit will achieve, (2) detailed performance indicators to measure whether the tax credit is meeting those goals, purposes, and objectives, and (3) a requirement that the tax credit cease to be operative 5 7 years after its enactment date, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares the following:

1 (a) Government at all levels—~~enact~~ *enacts* tax preferences to
2 promote equity among taxpayers and enhance economic growth
3 in a way that is inexpensive to administer and—~~provide~~ *provides*
4 direct benefits to taxpayers.

5 (b) National and state public finance experts recommend that
6 tax preferences be evaluated alongside direct spending programs,
7 as both are public initiatives meant to accomplish specified goals.

8 (c) Revenue losses attributable to federal tax preferences exceed
9 any other category of federal spending, including defense, Medicaid
10 and Medicare, Social Security, debt service, or discretionary
11 spending.

12 (d) California now forgoes more than \$41 billion in revenue
13 from tax preferences, according to the Department of Finance.

14 (e) Many current tax preferences contain neither sunset
15 provisions, nor goals and objectives to measure the performance
16 of the tax preference.

17 (f) Many current tax preferences neither require taxpayers to
18 submit data demonstrating the tax preference’s effectiveness, nor
19 for state agencies to collect and send data to the Legislature to
20 evaluate the tax preference.

21 (g) The Legislature should apply the same level of review and
22 performance measure that it applies to spending programs to tax
23 preference programs, including tax credits.

24 SEC. 2. Section 40 is added to the Revenue and Taxation Code,
25 to read:

26 40. Notwithstanding any other law, any bill, *introduced on or*
27 *after January 1, 2011*, that would, ~~for taxable years beginning on~~
28 ~~or after January 1, 2011~~, authorize a *new* credit against the “net
29 tax,” as defined in Section 17039, or against the “tax,” as defined
30 in Section 23036, or both, shall contain all of the following:

31 (a) Specific goals, purposes, and objectives that the tax credit
32 will achieve.

33 (b) Detailed performance indicators for the Legislature to use
34 when measuring whether the tax credit meets the goals, purposes,
35 and objectives stated in the bill.

36 (c) Data collection requirements to enable the Legislature to
37 determine whether the tax credit is meeting, failing to meet, or
38 exceeding those specific goals, purposes, and objectives, including
39 the specific data, *including baseline data*, to be collected and
40 remitted *in each year the credit is effective for the Legislature to*

1 *measure the change in performance indicators*, and the specific
2 taxpayers, state agencies, or other entities required to collect and
3 remit data.

4 (d) A requirement that the tax credit shall cease to be operative
5 ~~five~~ *seven* years after its enactment date, and as of ~~that date~~ *January*
6 *1 of the year following the end of the operative period* is repealed.